

REMARKS/ARGUMENTS

1. In the Final Office Action dated 5/13/2008, the Examiner rejected claims 1-3, 5-14, 16-24 and 26-31 under 35 USC § 103 (a) as being unpatentable over Nakano (U.S. Publication No. 2002/0147988) in view of Grzeczkowski (U.S. Publication No. 2004/0049785); and claims 4, 15 and 25 under 35 USC § 103 (a) as being unpatentable over Nakano (U.S. Publication No. 2002/0147988) in view of Grzeczkowski (U.S. Publication No. 2004/0049785) and further in view of Chatfield (U.S. Publication No. 2002/0138561).

Claims 1-31 are currently pending in this application. As explained by these remarks, the rejections above have been traversed and, as such, the claims 1-31 are allowable.

2. As discussed above, claim 1 was rejected under 35 USC § 103 (a) as being unpatentable over Nakano (U.S. Publication No. 2002/0147988) in view of Grzeczkowski (U.S. Publication No. 2004/0049785). Amended claim 1 recites in part:

responsive to determining to inform the user of the receipt of the email message, generating a hot key signal indicating availability of the email message, the hot key signal including graphical data for display on a display associated with a user device; [emphasis added]

As set forth in the claim, rather than merely indicating which icon to select, the signal includes graphical data that for display. While Nakano posts icons on a TV screen for users of a set top box (see paragraphs [0014] – [0016]), and Grzeczkowski places icons on a screen in response to alert messages, neither Nakano or Grzeczkowski teaches the generation and transmission of a hot key signal that, itself, includes graphical data for display on a display associated with a user device. For this reason, claim 1 and claims 2-5 that depend therefrom, are patentably distinct from the prior art. In particular, while claim 4 is further rejected based on the combination with Chatfield (U.S. Publication No. 2002/0138561), this additional reference does not correct the deficiencies created by the combination of Nakano and Grzeczkowski.

4. As discussed above, claims 6, 11, 17, 22 and 27 were also rejected under 35 USC § 103 (a) as being unpatentable over Nakano (U.S. Publication No. 2002/0147988) in view of Grzeczkowski (U.S. Publication No. 2004/0049785).

Amended claim 6 recites:

receiving, as part a content signal sent by an interactive television service to at least one viewer, a hot key signal that is multiplexed into the content signal and modulated with the content signal, indicating receipt of an email message by a Post Office Protocol (POP) account of a user of an interactive television service; the hot key signal including graphical data for display on a display associated with a user device and wherein the hot key signal is independent of any query by the user or user equipment of any email account, [emphasis added]

Amended claim 11 recites:

responsive to determining to inform the user of the receipt of the email message, generate a hot key signal indicating availability of the email message, wherein the hot key signal is multiplexed and modulated with the content signal, and wherein the hot key signal includes graphical data for display on a display associated with a user device. [emphasis added]

Amended claim 17 recites:

responsive to determining the hot key signal is relevant to the user, display on a screen an indication that the hot key signal has been received, the hot key signal including graphical data for display on a display associated with a user device. [emphasis added]

Amended claim 22 recites:

responsive to determining to inform the user of the receipt of the email message, generate a hot key signal indicating availability of the email message, the hot key signal including graphical data for display on a display associated with a user device; [emphasis added]

Amended claim 27 recites:

receive, from a receiver that demodulates and demultiplexes a hot key signal contained in a content signal to a user of an interactive television service, the hot key signal indicating receipt of an email message by a Post Office Protocol (POP) account of the user, the hot key signal including graphical data for display on a display associated with a user device; [emphasis added]

As discussed in conjunction with claim 1, neither Nakano nor Grzeczkowski teaches the generation and transmission of a signal that, itself, includes graphical data for display on a display associated with a user device. For this reason, Applicant believes that claims 6, 11, 17, 22 and 27 and claims 7-10, 12-16, 18-21, 23-26 and 28-31 that depend therefrom, are patentably distinct from the prior art. In particular, while claims 15 and 25 are further rejected based on the combination with Chatfield (U.S. Publication No. 2002/0138561), this additional reference does not correct the deficiencies created by the combination of Nakano and Grzeczkowski.

Conclusions

For the foregoing reasons, the applicant believes that claims 1-31 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

No additional fees are believed to be due. The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No. 50-2126 (ATT030076).

RESPECTFULLY SUBMITTED,

By: /Bruce E. Stuckman reg. 36,693/
Bruce E. Stuckman
Phone: (512) 241-8444
Fax No. (512) 241-8445